

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Skype Communications S.A.R.L. to)	RM-11361
Confirm a Consumer's Right to Use Internet)	
Communications Software and Attach Devices to)	
Wireless Networks)	

ORDER

Adopted: April 16, 2015

Released: April 16, 2015

By the Chief, Wireless Telecommunications Bureau:

1. In this Order, we grant a request by Microsoft Corporation (“Microsoft”) to withdraw a petition for rulemaking filed by Skype Communications, S.A.R.L. (“Skype”), now a wholly owned subsidiary of Microsoft.

2. On February 20, 2007, Skype filed a petition for rulemaking that sought “to ensure the openness of wireless networks” by requiring wireless providers to allow subscribers to use any non-harmful device of their choosing.¹ Specifically, Skype asked the Commission to “declare that [the Commission’s] *Carterfone* [ruling] applies fully to wireless networks, to initiate a rulemaking proceeding to evaluate wireless carrier practices in light of *Carterfone* and to enforce *Carterfone*, and to create an industry-led mechanism to ensure the openness of wireless networks.”²

3. On April 9, 2015, Microsoft filed a letter with the Commission requesting permission to withdraw the Skype Petition without prejudice and requesting that the Commission close the docket for this proceeding.³ Microsoft notes that “Skype’s Petition was filed more than eight years ago, and much of the facts supporting the petition are outdated. No activity has occurred in the docket in nearly five years. In addition, many of the concerns raised in the Petition were addressed by the Commission in its recent Open Internet Report and Order....”⁴

4. We find that it would serve the public interest to grant Microsoft’s request because it would resolve a proceeding that has been pending for over eight years, eliminate the need for further expenditure of time and resources by the Commission, and promote administrative efficiency. Therefore, by this order, we dismiss the Skype Petition without prejudice.

¹ See Petition of Skype Communications S.A.R.L. to Confirm a Consumer’s Right to Use Internet Communications Software and Attach Devices to Wireless Networks, RM-11361 (filed Feb. 20, 2007) (“Skype Petition”).

² *Id.* at 2. See, generally, In re Use of the Carterfone Device in Message Toll Telephone Service, 13 FCC 2d 420 (1968).

³ In the Matter of Skype Communications S.A.R.L. Petition to Confirm a Consumer’s Right to Use Internet Communications Software and Attach Devices to Wireless Networks, Microsoft’s Request to Withdraw Petition and Close Docket Without Prejudice, RM-11361 (filed Apr. 9, 2015).

⁴ *Id.* at 1.

5. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.204(b), 0.331, 1.8, and 1.407 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.204(b), 0.331, 1.8, and 1.407, the request for withdrawal filed by Microsoft Corporation in RM- 11361 IS GRANTED, and the petition filed by Skype Communications, S.A.R.L. IS DISMISSED WITHOUT PREJUDICE. IT IS FURTHER ORDERED that Docket RM-11361 IS TERMINATED.

6. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Roger C. Sherman
Chief, Wireless Telecommunications Bureau